

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE	:	CHAPTER 13
ANTHONY J. OLIVERI, JR.	:	
DEBRA LYNN OLIVERI	:	
Debtor(s)	:	CASE NO. 5-23-BK-02286 MJC
	:	
	:	
JACK N. ZAHAROPOULOS	:	
CHAPTER 13 TRUSTEE	:	
Movant	:	

AMENDED NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss with Prejudice for Failure to Appear at §341(a) Meetings pursuant to your Chapter 13 bankruptcy filing.

If you object to the relief requested, you must file your objection/response on or before April 16, 2024 with the Clerk of Bankruptcy Court:

Max Rosenn U.S. Courthouse
197 South Main Street, Room 274
Wilkes-Barre, PA 18701

and serve a copy on the Chapter 13 Trustee for the Middle District of Pennsylvania:

Jack N. Zaharalopous
Office of the Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036.

If you file and serve an objection/response within the time permitted, a hearing will be held on **May 2, 2024 at 10:00 AM at the U.S. Courthouse, 197 S. Main St. Wilkes-Barre, PA.** If you do not file an objection/response within the time permitted the Court will deem the motion unopposed and proceed to consider the motion without further notice or hearing, and may grant the relief requested.

Date: April 2, 2024

/s/ Agatha R. McHale, Esquire

Attorney ID: 47613
Attorney for Trustee
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: amchale@pamd13trustee.com

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JACK N. ZAHAROPOULOS	:	
CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs.	:	
	:	
ANTHONY J. OLIVERI, JR.	:	
DEBRA LYNN OLIVERI	:	
Respondent(s)	:	

TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE

AND NOW, on April 2, 2024, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, who, by and through his Attorney, Agatha R. McHale, Esquire, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice pursuant to § 1307(c), due to their serial filings and their failure to appear at several § 341(a) meetings. Specifically, the Trustee alleges and avers:

1. The Debtors failed to appear at the following § 341(a) meetings scheduled in this case:
 - a. § 341(a) meeting on March 25, 2024 at 10:30 a.m.;
 - b. § 341(a) meeting on February 26, 2024 at 11:00 a.m.;
 - c. § 341(a) meeting on January 8, 2024 at 11:00 a.m.;
 - d. § 341(a) meeting on December 18, 2024 at 10:30 a.m.; and
 - e. § 341(a) meeting on November 13, 2023 at 9:30 a.m..
2. As for the Debtors' previous cases, Debtors have filed petitions docketed to the following cases:

Case Number: 5-23-01212-MJC

Counsel: PRO SE

Filing Date: 05/31/2023

Total Payments: \$0.00

Result: Dismissal for failure to comply with Order

Date Dismissed: 6/16/2023

Chapter 13

Case Number: 5-23-00810-MJC

Counsel: PRO SE

Filing Date: 04/13/2023

Total Payments: \$0.00

Result: Dismissal for failure to file a complete list of creditors

Date Dismissed: 5/18/2023

Chapter 13

Case Number: 5-19-00548-RNO

Counsel: PRO SE

Filing Date: 02/07/2019

Total Payments: \$0.00

Result: Dismissal for failure to file a complete list of creditors

Date Dismissed: 03/15/2019

Chapter 13

3. Movant believes and avers that, under the totality of the circumstances, Debtors have demonstrated substantial abuse and a lack of good faith in their serial filings as well as their failure to appear for five (5) §341(a) meetings.

Notice and other instructions are included with this Motion to Dismiss with Prejudice.

WHEREFORE, Movant requests this Honorable Court to:

1. Dismiss this case in accordance with 11 U.S.C. §1307; and
2. Dismiss this case with prejudice with regard to Debtors filing a subsequent Petition under the Bankruptcy Code in this District without prior leave of this Court for a period of 180 days from the entry of this Dismissal.

Respectfully submitted:

/s/ Agatha R. McHale, Esquire

Attorney ID: 47613

Attorney for Trustee

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

Email: amchale@pamd13trustee.com

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on April 2, 2024, I served a copy of this Motion to Dismiss with Prejudice, Notice and Proposed Order on the following parties by First Class Mail from Hummelstown, PA, unless served electronically.

Michael A. Cibik, Esq.
Cibik Law, PC
1500 Walnut Street, Suite 900
Philadelphia, PA 19102
Attorney for Debtor

Served electronically

SERVED VIA FIRST CLASS MAIL

U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
197 South Main Street Wilkes-
Barre, PA 18701-1500

(p)CCO MORTGAGE CORP
10561 TELEGRAPH RD
GLEN ALLEN VA 23059-4577

Capital One N.A.
by American InfoSource as agent
PO Box 71083
Charlotte, NC 28272-1083

(p)CITIZENS BANK N A
ATTN BANKRUPTCY TEAM
ONE CITIZENS BANK WAY JCA115
JOHNSTON, RI 02919-1022

Citizens Bank, N.A.
10561 Telegraph Rd.
Glen Allen, VA 23059-4577

Citizens Bank, N.A.
c/o
McCabe, Weisberg & Conway,
LLC 1420 Walnut Street, Suite
1501
Philadelphia, PA 19102-4015

Comenity Bank/Express
Attn: Bankruptcy
PO Box 182125
Columbus, OH 43218-2125

Comenity Capital Attn: Bankruptcy PO Box 182125 Columbus, OH 43218-2125	ComenityCapital/Boscov Attn: Bankruptcy Dept PO Box 182125 Columbus, OH 43218-2125	(p)CONTINENTAL FINANCE COMPANY PO BOX 3220 BUFFALO NY 14240-3220
Dallas School District 2000 Conyngham Ave Dallas, PA 18612-9288	Discover Financial Attn: Bankruptcy PO Box 3025 New Albany, OH 43054-3025	First Premier Bank Attn: Bankruptcy PO Box 5524 Sioux Falls, SD 57117-5524
Internal Revenue Service Centralized Insolvency Operation PO Box 7346 Philadelphia, PA 19101-7346	Kingston Township 180 E Center St Shavertown, PA 18708-1514	LVNV Funding LLC c/o Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587
LVNV Funding, LLC Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587	Luzerne County Tax Claim Bureau c/o Elite Revenue Solutions 200 North River Street Wilkes Barre, PA 18711-1004	Midland Credit Management, Inc. PO Box 2037 Warren, MI 48090-2037
(p)PENNSYLVANIA OFFICE OF ATTORNEY GENERAL ATTN ATTENTION FINANCIAL ENFORCEMENT SECTION STRAWBERRY SQUARE 15TH FLOOR HARRISBURG PA 17120-0001	Pennsylvania Department of Revenue Bankruptcy Division 1 Revenue Pl Harrisburg, PA 17129-0001	Pennsylvania Office of General Counsel 333 Market St Fl 17 Harrisburg, PA 17101-2210
(p)PORTFOLIO RECOVERY ASSOCIATES LLC PO BOX 41067 NORFOLK VA 23541-1067	Quantum3 Group LLC as agent for Galaxy International Purchasing LLC PO Box 788 Kirkland, WA 98083-0788	Quantum3 Group LLC as agent for Genesis FS Card Services Inc PO Box 788 Kirkland, WA 98083-0788
(p)MRV BANKS 871 STE GENEVIEVE DR STE GENEVIEVE MO 63670- 1406	Total VISA Attn: Bankruptcy P.O. Box 84930 Sioux Falls, SD 57118-4930	U.S. Attorney, Middle District of Pa. 235 N Washington Ave Ste 311 Scranton, PA 18503-1533

U.S. Department of Justice 950 United States Trustee
Pennsylvania Ave NW US Courthouse
Washington, DC 20530-0009 1501 N. 6th St
Harrisburg, PA 17102-1104

Debra Lynn Oliveri (p)JACK N ZAHAROPOULOS
105 Carverton Rd ATTN CHAPTER 13 TRUSTEE
Trucksville, PA 18708-1746 8125 ADAMS DRIVE SUITE A
CO Mortgage Corp. HUMMELSTOWN PA 17036-
Attn: Bankruptcy 8625
10561 Telegraph Rd
Glen Allen, VA 23059 Citizens Bank
One Citizens Dr
Providence, RI 02903

Michael A. Cibik
Cibik Law, P.C.
1500 Walnut Street
Suite 900
Philadelphia, PA 19102-3518

Continental Finance Company
Attn: Bankruptcy
PO Box 8099
Newark, DE 19714-8099

Pennsylvania Attorney General Portfolio Recovery Associates, LLC (d)Portfolio Recovery Associates, LLC
16th Floor, Strawberry Square PO Box 41067
Harrisburg, PA 17120 Norfolk, VA 23541-1067
POB 12914
Norfolk VA 23541

REVVI
Attn: Bankruptcy PO Box 5800
Sioux Falls, SD 57118-5800

/s/Tammy Life
Office of Jack N. Zaharopoulos
Standing Chapter 13 Trustee

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Respondent(s)	:	

ORDER DISMISSING CASE WITH PREJUDICE

Upon consideration of the Trustee's Motion to Dismiss Case with Prejudice for Failure to Appear at §341(a) Meetings, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtors are hereby BARRED from filing in this district for a period of 180 days from the date of this Order without prior Court Order.